Attorney Docket No. U4012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No.: 6308

Confirmation No.: 6308 In re Application of: Yutaka TSUCHIYA Application No.: 09/848,252 Examiner: Unassigned Filed: May 4, 2001 METHODS AND APPARATUS DEL 1 0 5005 For: FOR MEASURING INTERNAL INFORMATION OF SCATTERING MEDIUM-Commissioner for Patents Washington, D.C. 20231

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT **UNDER 37 C.F.R. § 1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the document listed on the attached PTO Form-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A Supplementary European Search Report dated November 14, 2002, is being submitted along with reference no. 5 listed thereon. References no. 1-4 listed on the Search Report were previously submitted with the Information Disclosure Statement filed on August 6, 2002. Applicant respectfully requests that the Examiner consider the European Search Report and cited reference and evidence that consideration by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If it should be determined that any of the listed documents do not

constitute "prior art" under United States law, Applicant reserves the right to present to the office

the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability

of the disclosed invention over the listed documents, should one or more of the documents be

applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF

TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 17, 2002

John G. Smith

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